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April 25, 2024

VIA ECF

Hon. Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Amalgamated Bank v. JPMorgan Chase Bank, N.A. and Armon Warren*,
23-CV-9511 (JMF) (JLC) (SDNY)

Dear Judge Furman:

We represent Plaintiff Amalgamated Bank (“Amalgamated”) in the above-referenced action. We write pursuant to the Court’s April 22, 2024 Order (ECF No. 37) and the Case Management Plan and Scheduling Order (“CMP”) (ECF No. 17). We respectfully request the Court adjourn the pretrial conference scheduled for May 1, 2024, as we believe it is unnecessary for the reasons set forth below.

Amalgamated and Defendant JP Morgan Chase Bank, N.A. (“Chase”) resolved their dispute, filing a stipulation of dismissal, which the Court so ordered on April 8, 2024 (ECF No. 36). The Court granted Amalgamated’s motion to serve Defendant Warren by alternative means, and Amalgamated completed its service on Defendant Warren on April 4, 2024. Defendant Warren’s response is due today, April 25, 2024. If Defendant Warren appears, then Amalgamated will prosecute its case against him. If Defendant Warren does not appear, then Amalgamated will file a default judgment against him in accordance with Section 4(J) of the Court’s Individual Rules and Practice in Civil Cases. In light of these developments, we believe the May 1 pretrial conference is no longer necessary, obviously subject to the Court’s view and agreement.

To the extent the Court wishes us to address the nine categories set forth in the CMP, we do so below.

I. A Pretrial Conference is not Necessary at this Time

For reasons set forth above, Amalgamated does not believe a pretrial conference is necessary at this time.

II. A Statement of All Existing Deadlines, Due Dates, and/or Cut-Off Dates

Fact discovery closed on April 17, 2024. The close of expert discovery is June 3, 2024. If Defendant Warren appears, Amalgamated anticipates that the parties may seek to extend or modified these deadlines.



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III. A Statement of Pending Motions

One of Amalgamated's lawyers, William P. Huttenbach, is withdrawing from this matter. Amalgamated's undersigned counsel, Lanier Saperstein and Dorsey & Whitney LLP, remain as counsel of record.

IV. A Statement of Additional Discovery Needed

If Defendant Warren does not appear, Amalgamated is prepared to proceed with a default judgment and does not anticipate taking any additional discovery. If Defendant Warren appears, Amalgamated anticipates that the parties' may need additional discovery.

V. A Statement Settlement Discussions to-Date

Amalgamated conducted a mediation with Chase on March 8, 2024 by Judge Cott. Amalgamated and Chase reached a resolution pursuant to the joint stipulated dismissal with prejudice filed on April 5, 2024 and so ordered on April 8, 2024.

VI. A Statement of the Potential for Additional Settlement Discussions

Amalgamated is willing to engage in settlement negotiations with Defendant Warren in the event that he appears.

VII. A Statement of the Anticipated Length of Trial and whether it is to be Tried to a Jury

This case is subject to a jury trial. Amalgamated anticipates that a jury trial would take two days.

VIII. A Statement of whether the Parties Anticipate Filing for Summary Judgment

Amalgamated does not presently plan to file for summary judgment, but may do so if Defendant Warren appears.

IX. Additional Matters to Address

If the Court believes that a pretrial conference would be helpful, Amalgamated requests that it be moved to a date in May or June.

Sincerely,

/s/ Lanier Saperstein

Lanier Saperstein

cc: All counsel of record (via ECF)

Whereas Defendant Warren did not respond to the Complaint or appear by yesterday, Plaintiff shall file any motion for default judgment no later than May 20, 2024; at that time, the Court will set an opposition deadline and hearing date. The pretrial conference scheduled for May 1, 2024, is hereby ADJOURNED *sine die*. Plaintiff is directed to serve a copy of this Order on Warren by the means of service approved at ECF No. 32. The Clerk of Court is directed to terminate ECF No. 38. SO ORDERED.


April 26, 2024